

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

UMBRA LLC,

Plaintiff,

v.

HOME DEPOT INC.,

Defendant.

**STIPULATION AND ORDER
CONCERNING DISCONTINUANCE**

Civil No.: 06-CV-0612S(Sc)

IT IS HEREBY STIPULATED AND AGREED, by and between all of the parties, through their respective counsel, as follows:

1. The signed Confidential Settlement Agreement and Release and First Amendment to Confidential Settlement Agreement and Release approved by the Court is annexed as Exhibit 1.

2. As a result of such Court approval, this action shall be discontinued pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, subject to the Settlement Agreement between the parties, **without prejudice** and without costs to any party.

Dated: Buffalo, New York
May 23, 2007

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SO ORDERED:

Hon. William M. Skretny
United States District Court Judge
Dated: May ___, 2007

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